

Remarks:

Claims 34-61 are now pending in this application. Applicants have canceled claims 1-33 and presented new claims 34-61. Applicants respectfully request favorable reconsideration of this application.

Applicants present an abstract of the disclosure submitted herewith on a separate sheet.

The Examiner rejected claims 1-4, 6, 8-12, and 15-33 under 35 U.S.C. § 112, second paragraph. Applicants have rewritten claims 1-4, 6, 8-12, and 15-33 as newly presented claims 34-61, which recite patentable subject matter of the present invention with improved clarity, eliminate all indefinite and unclear terms and provide antecedent basis for all terms. Accordingly, Applicants submit that all pending claims comply with 35 U.S.C. § 112, second paragraph, and respectfully request withdrawal of this rejection.

With respect to the objection to the drawings and rejection under 35 U.S.C. § 112, first paragraph, Applicants submit that the terms identified by the Examiner either are terms of art. For example, the term “wavelength converter” is a well known and commonly used term, which does need further explanation. Along these lines, Applicants direct the Examiner’s attention to, for example, published U.S. patent application US2003095767 with the title “Nonlinear dispersion-shifted optical fiber, optical signal processing apparatus using said optical fiber and wavelength converter using said optical fiber”. Similarly, the term “projection screen” is a well known and commonly used term. Applicants direct the Examiner’s attention to, for example, the

background portion of published U.S. patent application US2003214632, with the title “Projection display system”. With respect to an artificial light source, the specification describes a “lamp or light-emitting diode to illuminate the reticle”. Clearly, this is an artificial light source. There is no requirement that the specification use exactly the same words as the claims, nor is it fair to restrict the applicant to such language. With respect to guiding means to guide ambient light, the specification at page 5, line 22, through page 6, line 18 describe such. Regarding optical elements, the specification describes prisms among other optical elements. Also, the specification describes attached mechanical elements. Furthermore, page 7, lines 13-18 describe components in a module. While some of these terms no longer appear in the newly presented claims, it is in no way an admission that the specification does not support the claims. Also, the drawings clearly illustrate the elements, such as optical elements, etc.

In view of the above, the claim language is supported by the specification and the drawings illustrate the invention as claimed. Accordingly, the claims comply with 35 U.S.C. § 112, first paragraph and Applicants respectfully request withdrawal of this rejection and the objection to the drawings.

The Examiner rejected claims 1-4, 6, 9-12, 15, 16, 20-25, 27-29, and 33 under 35 U.S.C. 102(b) as being anticipated by U.S. patent 4,464,974 to Goda. The Examiner rejected claims 17-19 under 35 U.S.C. 103(a) as being unpatentable over Goda in view of U.S. patent 5,476,385 to Parikh et al. The Examiner rejected claims 26 and 30-32 under 35 U.S.C. 103(a) as being unpatentable over Goda in view of U.S. patent 4,619,616 to Clarke.

Goda does not disclose the present invention since, among other things, Goda does not disclose a device for alignment of a weapon and a weapon simulator mounted on the weapon. As such, Goda does not disclose means of adjustment arranged to collectively guide the alignment axis and the simulator axis during the alignment of the simulator axis with the sight. Furthermore, Goda does not disclose a reflection device that reflects an alignment beam into a sight, whereby the alignment beam is visible in the sight. On the contrary, Goda discloses a reference radiation beam that is reflected into the sighting device origins from reflection in a target. Additionally, Goda does not disclose a device for alignment of a simulator axis and a sight axis or a device used to make a simulator ready for simulation. Still further, Goda does not disclose a reference beam aligned and maintained in a fixed relative relationship with a sight.

In view of the above, Goda does not disclose all elements of the present invention as recited in newly presented claims 34-61. Since Goda does not disclose all elements of the present invention as recited in newly presented claims 34-61, the present invention, as recited in newly presented claims 34-61, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International*

*Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

Goda also does not suggest the present invention since, among other things, Goda does not suggest a device for alignment of a weapon and a weapon simulator mounted on the weapon. As a result, Goda does not suggest means of adjustment arranged to collectively guide the alignment axis and the simulator axis during the alignment of the simulator axis with the sight. Also, Goda does not suggest a reflection device that reflects an alignment beam into a sight, whereby the alignment beam is visible in the sight. On the contrary, Goda suggests a reference radiation beam that is reflected into the sighting device origins from reflection in a target. Additionally, Goda does not suggest a device for alignment of a simulator axis and a sight axis or a device used to make a simulator ready for simulation. Furthermore, Goda does not suggest a reference beam aligned and maintained in a fixed relative relationship with a sight.

Combining Goda with Parikh does not suggest the present invention since, among other things, Parikh does not overcome the above-described deficiencies of Goda. Simply providing Goda with an artificial light source would not provide Goda with any of the other elements of the present invention that Goda lacks. Therefore, the combination of Goda and Parikh does not suggest the present invention.

Combining Goda with Clarke does not suggest the present invention since, among other things, Clarke does not overcome the above-described deficiencies of Goda. Simply providing Goda with an alignment mark would not provide Goda with any of the other elements of the present invention that Goda lacks. Therefore, the combination of Goda and Clarke does not

suggest the present invention.

In view of the above, the reference relied upon in the office action does not disclose patentable features of the present invention. Therefore, the reference relied upon in the office action does not anticipate the present invention. Accordingly, Applicant requests withdrawal of the rejection based upon the cited reference.


In conclusion, Applicant respectfully requests favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would facilitate the prosecution of this application, Applicant urges the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 19-5127, 19391.0027.

Respectfully submitted,

Date: 1-30-04

  
Eric J. Franklin, Reg. No. 37,134  
Attorney for Applicant  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, NW, Suite 300  
Washington, DC 20007  
Telephone: 202-424-7500  
Facsimile: 202-295-8478